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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 BRYAN M. MATA,

9 Plaintiff,

10 v.

11 INDYMAC BANK, et al.,

12 Defendants.  
13

2:11-CV-1926 JCM (VCF)

14 **ORDER**

15 Presently before the court is defendants Indymac Bank, et. al.'s motion to dismiss or in the  
16 alternative motion for summary judgment. (Doc. #7). *Pro se* plaintiff Bryan M. Mata failed to file  
17 an opposition.

18 The property at issue in this case is located at 7221 North Jones Boulevard, Las Vegas,  
19 Nevada 89131. (Doc. #1). Plaintiff purchased this property with a \$438,900.00 loan, which was  
20 secured by a deed of trust upon the subject property. (Doc. #8, Ex. C). Plaintiff defaulted on the  
21 loan by failing to make his principal and interest payment due on November 1, 2010. (Doc. #8, Ex.  
22 D). Defendant Onewest Bank, FSB recorded a notice of breach on February 11, 2011. (Doc. #8, Ex.  
23 D). Due to the filing of the instant litigation, no foreclosure sale has occurred.

24 Pursuant to Nevada Local Rule 7-2(d), "the failure of an opposing party to file points and  
25 authorities in response to any motion shall constitute a consent to the granting of the motion."  
26 However, the court will not automatically grant every unopposed motion. In *Ghazali v. Moran*, 46  
27 F.3d 52, 53 (9th Cir. 1995), the Ninth Circuit held that the court had to weigh the following factors  
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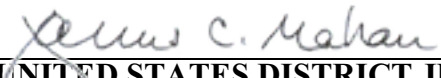
1 before dismissing the action: (1) the public's interest in expeditious resolution of litigation; (2) the  
2 court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy  
3 favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.

4 Plaintiff failed to oppose the motion to dismiss, and the court further finds that the *Ghazali*  
5 factors weigh in favor of dismissing the action as to these defendants.

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants Indymac Bank,  
8 et. al.'s motion to dismiss complaint (doc. #7) be, and the same hereby is, GRANTED.

9 DATED March 1, 2012.

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12 **UNITED STATES DISTRICT JUDGE**